

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JUSTIN LYNN VICTORY,

Plaintiff(s),

v.

NEVADA STATE TREASURER,

Defendant(s).

Case No. 2:24-cv-01937-CDS-NJK

ORDER

[Docket Nos. 4, 5]

Plaintiff is required by statute to pay an initial partial filing fee of \$12.33. *See* Docket No. 3; *see also* 28 U.S.C. § 1915(b)(1). Plaintiff filed two motions seeking to waive that fee, indicating that facility staff have not processed the payment. *See* Docket Nos. 4, 5. It appears that Plaintiff has spent down his available money such that he may not currently have \$12.33 for the fee. *See* Docket No. 5 at 2; *see also* Docket No. 4 at 8 (identifying phone and commissary expenses that dipped the account amount below the \$12.33 initial partial filing fee). There are important policy reasons why the law requires the payment of this partial filing fee and the Court has not been provided justification to depart from the law.¹ To the extent Plaintiff's spending is exceeding his monthly deposits, then Plaintiff will need to spend less so that he can make the required payment. Accordingly, the Court **DENIES** the motions to waive the initial partial filing fee. The Court **EXTENDS** the deadline to make the required payment of \$12.33 to February 18, 2025.

IT IS SO ORDERED.

Dated: December 17, 2024


 Nancy J. Koppe
 United States Magistrate Judge

¹ Even with Plaintiff's more recent spending, he would still owe an initial filing fee, *see* Docket No. 4 at 6, so it is not clear that waiver would be appropriate at any rate.